

14-02

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AMENDING CHAPTER 29, FIRE PREVENTION, TO THE
CODE OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 29, Fire Prevention, is hereby amended to the Code of the Borough of Merchantville, as follows:

ARTICLE I. SECTION 29-1 Local Enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.)

ARTICLE II. SECTION 29-2 Agency Designation.

The local enforcing agency shall be the Merchantville Fire Department through its Bureau of Fire Prevention which is hereby created therein. The Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

ARTICLE III. SECTION 29-3 Duties.

(A) The local enforcing agency shall enforce the Uniform Fire Code in all Buildings, structures, and premises within the established boundaries of the Borough of Merchantville other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal Government, Interstate Agencies or the State.

(B) The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

ARTICLE IV. SECTION 29-4. Organization.

(A) The Bureau of Fire Prevention established by Section 2 of this Ordinance shall be under the direct supervision and control of a fire official who shall report to the Fire Commissioner or his designee.

(B) The Bureau of Fire Prevention shall have at least one paid part-time Fire Official and as many part-time inspectors as required by the Fire Official.

ARTICLE V. SECTION 29-5. Appointments, Qualifications, Term of Office, Removal.

(A) **Appointment and Qualifications of the Fire Official.** The fire official shall be appointed by the governing body from a list of three names submitted by the Chief of the Merchantville Fire Department. In the event there are no qualified personnel in the Fire Department the governing body can hire from outside of the Fire Department. The following qualifications to be eligible for the Fire Official: Firefighter I, State of New Jersey Fire Official Cert, Incident Management Level 2, Fire Investigation classes, and five (5) years of experience in the fire service.

(B) **Appointment and Qualifications of Inspectors and Others Employees.** Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon recommendation of the Fire Official. Inspectors must be firefighter I certified and complete a fire inspector's class and a fire investigation class. All life hazard use inspectors shall be certified by the State.

(C) **Term of Office.** The fire official shall serve for a term of a minimum of three year. Any vacancy shall be filled for the unexpired term. The fire inspectors shall serve a term of one year. Any vacancy shall be filled for the unexpired term.

(D) **Removal from Office.** The fire official, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

ARTICLE VI. SECTION 29-6. Life Hazard Uses.

The Bureau of Fire Prevention established by Section 2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

ARTICLE VII. SECTION 29-7. Non-Life Hazard Uses.

(A) In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and pay an annual registration fee.

1. **Residential uses** (include buildings with dwelling units not listed as life hazard by the New Jersey Division of Fire Safety, except one- or two-family owner-occupied units):

R1	One to three units	\$55.00
R2	Three to seven units	\$90.00
R3	Eight to thirty five units	\$125.00
R4	Thirty six to sixty five units	\$225.00
R5	Sixty six to one hundred units	\$325.00
R6	Over one hundred units	\$425.00

2. **Single Business buildings:**

(a) Buildings under 10,000 square feet

SB1	One floor business	\$35.00
SB2	Two floor business	\$50.00
SB3	Three floor business	\$75.00
SB4	Four floor business	\$150.00

(b) Buildings over 10,000 square feet

SB5		\$175.00
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3. **Multiple business buildings:**

MB1	Each individual business	\$35.00
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MB2	Common Area	\$65.00
MB3	Each Floor	\$100.00

(B) Residential uses shall be inspected and charged a \$25.00 fee upon change of tenant.

(C) Uses not classified above that are subject to the Uniform Fire Code will be classified as single business uses

(D) Uses required to register with the State as life hazard uses shall not be required to register under this section.

(E) All vacant buildings will be charged and inspected according to the previous use of the building.

(F) All Abandoned Properties shall be inspected and secured as required by Section 311 of N.J.A.C. 5:70-3, and billed to the owner or a lien to the property.

(G) The following building or structure, if classified as a non-life-hazard, although not exempt from registration or inspection, will be exempt from paying an inspection fee as pursuant to the act:

- a. Municipally-owned buildings; and
- b. House of worship (excluding rooms for public assembly, i.e., meeting halls, social halls, rental halls).

ARTICLE VIII. SECTION 29-8. Permits, Certificate of Code Status and Miscellaneous Fees.

(A) The application fees for the permits listed in N.J.A.C. 5:70-2.7 (a) shall be as provided by State regulation and are currently as follows:

Type 1:	\$42.00
Type 2:	\$166.00
Type 3:	\$331.00
Type 4:	\$497.00

(B) The cost for the issuance of a Certificate of Fire Code Status shall be \$35.00.

(C) The cost for a Fire Investigation report shall be \$50.00 and copies of any pictures shall be \$25.00.

(D) The fine for parking in a fire lane shall be \$100.00.

(E) Certificate of smoke detector and carbon monoxide alarm (CSDCMAC) as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows

1. Requests for CSDMAC received more than 10 business days prior to the change of occupant: \$35.00

2. Requests for CSDCMAC received four to 10 business days prior to the change of occupant: \$70.00.

3. Requests for a CSDCMAC received fewer than 4 business days prior to the change of occupant: \$125.00.

ARTICLE IX. SECTION 29-9. Fire Lanes.

(A) Fire lanes will be established and maintained in accordance with Section 503 of N.J.A.C. 5:70-3.

(B) Any occupied or unoccupied vehicle parked or standing in violation of the provisions of Section 503 of N.J.A.C. 5:70-3, and hindering fire-fighting operations shall be deemed a nuisance and a menace. The Fire Official may fine and provide for the removal and storage of such vehicle. The cost of such removal and storage shall be paid for by the owner of said vehicle before he may regain possession of same.

ARTICLE X. SECTION 29-10. Insurance Reports.

All owners, lessees or tenants of any building or structure damaged by fire and subject to assistance from the Fire Department of the Borough of Merchantville shall report to said Fire Department the name and address of the fire Insurance carrier, the name and address of the

insurance agent on such policy and policy limits of coverage. This information shall be supplied to the Fire Official within five days of the date of the fire in question.

ARTICLE XI. SECTION 29-11. Miscellaneous Regulations.

(A) There is further adopted by the Borough of Merchantville, in the County of Camden and the State of New Jersey, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the 16 volumes of the 1981 Edition of the National Fire Code, including Life Safety Code 101, as compiled by the national Fire Protection Association. Three (3) copies of said code and any amendments, additions or modifications thereto, as herein set forth, have been and now are filed in the Office of the Borough Clerk for the use of and examination by the public.

ARTICLE XII. SECTION 29-12. Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Camden County Construction Board of Appeals.

ARTICLE XIII. SECTION 29-13 Enforcement, Violations, And Penalties.

Enforcement, violations, and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey. No insurer issuing fire insurance policies in the State of New Jersey shall pay any claims for fire damages in excess of Two Thousand, Five Hundred Dollars (\$2,500.00) on any real property or improvements located within the Borough of Merchantville unless or until the insured person submits an official certificate of search for municipal liens pursuant to N.J.S.A. 54:5-12 et seq., certifying that all taxes, assessments or other municipal liens or charges levied and assessed and due and payable against said property have been paid or the Borough of Merchantville submits a certified copy of a Resolution permitting same.

ARTICLE XIV.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XV.

This Ordinance shall take effect upon its passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
FRANK M. NORTH, MAYOR

ATTEST:

**_____
DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by Mayor and Council at its regular meeting held on April 14, 2014. This Ordinance will be considered for adoption on final reading and public hearing to be held on May 12, 2014 at 7:30 p.m. in the Council Meeting Room, One West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to revise the existing Ordinance consistent with statutory and regulatory amendments, to retain local control of Fire Prevention within the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.